

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2051

Amending Child in Need of Aid
Rule 12.1(b) and adding a Note to
implement the direct court rule
amendment made by Chapter 36,
SLA 2026 (HB 36).

IT IS ORDERED:

1. Child in Need of Aid Rule 12.1(b) is amended to read as follows:

Rule 12.1. Appointment of Attorney for Child

(a) **Request for Appointment.** * * * *

(b) **Appointment Types.**

(1) *Mandatory Appointments.*

(A) The court shall appoint an attorney for a child who is
10 years of age or older in any of the following circumstances:

(i)~~(A)~~ The child does not consent to placement in a
~~psychiatric hospital or~~ residential treatment center;

(ii)~~(B)~~ The child does not consent to administration of
psychotropic medication;

(iii)~~(C)~~ The child objects to disclosure of
psychotherapy information or records under CINA
Rule 9(b);

(iv)~~(D)~~ A request for a court order authorizing
emergency protective custody has been made
under AS 47.10.141(c); or

~~(v)(E)~~ The child is pregnant or has custody of a minor child; and;

(B) The court shall appoint an attorney for a child who has been placed in a hospital as authorized under AS 47.10.105.

(2) *Discretionary Appointments.* The court may appoint an attorney in other circumstances including, but not limited to:

(A) The child's and guardian ad litem's positions are not aligned on placement, family or sibling contact, permanency goal, case plan, or another important issue in the case;

(B) The child would benefit from a confidential relationship with an attorney; or

(C) The child is not residing in the designated placement.

(c) **Scope of Appointment.** * * * *

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2. The following note is added to the end of Child in Need of Aid Rule 12.1:

Note: Chapter 36, SLA 2026 (HB 36) addresses placement of foster children in hospitals and residential psychiatric treatment centers for psychiatric care. Section 17 of the Act amends subsection (b) to provide that the court must appoint an attorney for a child who has been placed in a hospital as authorized under AS 47.10.105 for short-term psychiatric care.

DATED: July 22, 2026

EFFECTIVE DATE: September 20, 2026

/s/
Chief Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate

/s/
Justice Oravec